

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v-

GILBRILLA KAMARA,

Defendant.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 2/2/2024

1:10-cr-457-GHW-1

ORDER

GREGORY H. WOODS, United States District Judge:

On May 11, 2012, the defendant was sentenced principally to a term of imprisonment of 240 months. On September 28, 2021, the Court reduced the defendant's sentence to a term of imprisonment of 235 months.

On January 5, 2024, the defendant filed a motion (the "Motion") requesting that this court consider a sentence reduction pursuant to Amendment 821 to the Sentencing Guideline amendment which went into effect on November 1, 2023 and applies retroactively. Dkt. No. 112. The United States Probation Department has issued a report indicating that the defendant is not eligible for a sentence reduction.

The Court has considered the record in this case, and the Motion, pursuant to 18 U.S.C. § 3582(c)(2).

It is hereby ORDERED that the defendant is ineligible for this reduction because (1) he did not receive an enhancement for committing the instant offense while under a criminal justice sentence; and (2) because he received an adjustment under § 3B1.1 (Aggravating Role) and was engaged in a continuing criminal enterprise, as defined in 21 U.S.C. § 848, and therefore is precluded from the zero-points offender level reduction pursuant to U.S.S.G. § 4C1.1. As a result, the Motion is denied.

The Clerk of Court is directed to terminate the motion pending at Dkt. No. 112, and to mail a copy of this order, together with the Court's order filed at Dkt. No 116, to Mr. Kamara by first class mail.

SO ORDERED.

Dated: February 2, 2024
New York, New York



GREGORY H. WOODS
United States District Judge